THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.24688 of 2006

Date: 27th November, 2006

Between:-

Nara Venkata Satyanarayana and another .. Petitioner

And

The Municipal Corporation of Rajahmundry rep. by its Commissioner Rajahmundry and another .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.24688 of 2006

ORDER:-

1. Heard the Counsel for Writ Petitioners Sri T.V.S.Prabhakar Rao, Sri V.Vishnu Vardhan Reddy, the learned Standing Counsel takes notice on behalf of R.1 and Sri M.Prabhakar Rao takes notice on behalf of R.2.

2. The writ petition is filed for a Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners property of the show room and site in an extent of 396 Sq.Yards in Sy.No.268/1B of Pidingoyyi village, Rajahmundry Rural Mandal, East Godavari District and the efforts of making construction of the wall on the northern side of the show room without recourse to law as illegal, arbitrary and violative of fundamental rights guaranteed under Constitution of India consequently directing the respondents not to interfere or middle with the said property of the petitioners in any manner and pass such other suitable orders.

3. It is stated that the petitioners are the owners and possessors of the property to an extent of 396 Sq.Yards in Sy.No.268/1B of Pidingoyyi village, Rajahmundry Rural

Mandal, East Godavari District, having purchased the same by virtue of a registered sale deed. It is also stated that after the purchase, the petitioners applied for permission and made certain constructions also. It is also stated that the petitioners had constructed commercial complex as per the approved plan within their site by leaving necessary set backs. Several other factual details are also narrated in paras 3, 4 and 5 of the affidavit filed in support of the writ petition. It is stated that due to some political pressure, there is a threat from the respondents and the respondents are unauthorizedly interfered with the possession of the petitioners without following the due process of law. It is also stated that on 23-11-2006 the petitioners issued legal telegraphic notice to the first respondent not to interfere with their possession in relation to the subject matter of the Writ Petition.

4. This Court is not inclined to express any further opinion about several of the factual details but however it is needless to say that the respondents are bound to follow the procedure as per law before initiating any further action in this regard. In view of the same, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioners relating to the subject matter of the Writ Petition unless and until due procedure in this regard is followed.

5. The Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

27th November, 2005

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